THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.36 of 2007

Date: 2nd January, 2007

Between :-

Sankatala Sarangapani and 4 others .. Petitioners

And

The Warangal Municipal Corporation
Through its Commissioner-in-Office
S.V.N.Road, Warangal .. Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.36 of 2007

ORDER:-

The matter is coming up for *admission* today.

2. Sri Durga Nageshwar Rao takes notice on behalf of respondent.

3. Heard Sri Bankatlal Mandhani, the Counsel representing the Writ Petitioners. The learned Counsel for the Writ Petitioners would submit that inspite of the Civil Courts Decrees in O.S.No.187/80 and O.S.No.165/88, the Building Inspector is coming and threatening that the respondent and the staff would further proceed with the demolition activity and these threats are being carried out without following the procedure and without putting the petitioners on notice in this regard.

4. Sri Durga Nageshwar Rao, the learned standing Counsel would submit that there are no threats at all posed to the petitioners on the part of the respondent – Corporation and the petitioners approached this Court merely on apprehension.

5. Heard the Counsel.

6. The Writ Petition is filed for a Writ of Mandamus declaring the action of respondent dated 26-12-2006

threatening the petitioners through its Building Inspector for demolition of Hotel premises of the petitioners bearing D.No.16-7-48 (Old No. 16-7-101/2) situated near Bus Stand (old Grain Market), Warangal, as illegal, arbitrary and effecting “Right of life” of the petitioners, and be pleased to pass suitable order directing the respondent not to cause any harm or loss to the premises No.16-7-48 by demolition or otherwise and be plased to pass consequential suitable order or orders in the nature of directions to the respondent not to cause any loss or harm in any manner to the premises of the petitioners bearing New No.16-7-48 (Old No.16-7-101/2) known as “Sammaiah Hotel” situated near Bus Stand (Old Grain Market), Warangal by demolition or other and to pass such other suitable orders.

7. It is stated that the house and land stands in the name of the father of the petitioners and it is also stated that suits O.S.No.187/80 and O.S.No.165/88 were filed and the same were decreed. Further it is also stated that the Building Inspector of the respondent – Corporation came along with some employees on 26-12-2006 at 4.00 p.m., and asked the petitioners to vacate the premises within 3 days, failing which he has been authorized by the respondent to demolish the Hotel premises.

8. In the light of the facts and circumstances,

inasmuch as the respondent is bound to follow the due process of law before initiating any such action, the Writ Petition is disposed of directing the respondent not to interfere or disturb the possession and enjoyment of the petitioners in relation to the subject matter either by way of demolition or otherwise, unless and until due process of law is followed in this regard.

9. The Writ Petition is accordingly disposed of. No order as to costs.

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Justice P.S.Narayana

2nd January, 2007

Note: Operative portion of the order
By wire at party's costs
(B/o.smr)